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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 UNITED STATES OF AMERICA,
11 Respondent, No. CR S-99-0401 JAM EFB P
12 vs.
13 BRANDY VEGA TELLEZ,
14 Movant. ORDER
15 /
16 Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set
17 aside or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United
18 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.
19 On February 24, 2012, the magistrate judge filed findings and recommendations
20 herein which were served on all parties and which contained notice to all parties that any
21 objections to the findings and recommendations were to be filed within fourteen days. Neither
22 party filed objections to the findings and recommendations within the prescribed period. On
23 March 29, 2012, this court adopted the findings and recommendations, granted respondent's June
24 6, 2011 motion to dismiss, and directed the Clerk to close the companion civil case No. CIV S-
25 11-0838 JAM EFB.
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However, on March 28, 2012, movant filed objections to the findings and recommendations. On the same date, he also filed a notice explaining that his objections were untimely because he inadvertently mailed the objections to the United States District Court for the Central District of California. These filings did not appear on the docket until after the undersigned issued the order granting respondent's motion to dismiss. In an abundance of caution, the court will consider his objections. Accordingly, the March 29, 2012 order adopting the findings and recommendations is vacated.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court again finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 24, 2012, are adopted in full;

2. Respondent's June 6, 2011 motion to dismiss is granted; and

3. The Clerk is directed to close the companion civil case No. CIV S-11-0838

DATED: April 19, 2012

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE